

RESOLUTION No. 16-431

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT A NIGHTCLUB IN THE CITY, ON APPROXIMATELY 0.52-ACRES ZONED LCLIMITED COMMERCIAL (“LC”), LOCATED NORTHEAST CORNER OF WEST 48TH STREET NORTH AND NORTH ARKANSAS AVENUE, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow a Nightclub in the City, on approximately 0.52-acres zoned LC Limited Commercial (“LC”) legally described below:

Case No. CON2015-00030

A Conditional Use to allow a Nightclub in the City, on approximately 0.52-acres zoned LC Limited Commercial (“LC”) legally described as:

Lot 32, Northern Acres Addition, Wichita, Sedgwick County, Kansas; generally located on the northeast corner of West 48th Street North and North Arkansas Avenue.

SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) The site shall be developed with an approved revised site plan, showing, but not limited to, the required parking spaces, locating dumpsters 20 feet from the north and east abutting and adjacent SF-5 zoned properties, solid screening with a solid screening gate around the dumpsters, and a solid wooden fence along the east property line. The site plan shall also confirm the location of the east abutting platted 20-foot wide alley to determine that the wooden fence and dumpster(s) are not located in the platted alley. The site plan shall also show barriers separating parking from all public street right of way and the platted alley. The barrier on the south side of the site shall be constructed to allow no access onto 48th Street North. The site plan must be submitted for review within 60-days of approval by the MAPC or, as applicable, the appropriate governing body.
- (2) No outdoor speakers or outdoor entertainment are permitted.
- (3) No exterior flashing lights.
- (4) The Conditional Use shall not be in effect until all improvements on the site are completed, including the location of dumpsters 20 feet from the abutting and adjacent SF-5 zoned properties, the required screening (including dumpsters), parking barriers and the paved parking lot is stripped to determine if any adjustments or variances are needed to resolve the required parking is competed. This must be completed within 90 days of approval by the MAPC or, as applicable, the appropriate governing body or the Conditional use shall be declared null and void.
- (5) The applicant shall obtain all required state, local and other applicable permits and inspections.
- (6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth

in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the “Official Zoning District Map” on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

November 8, 2016.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law